

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DUNCAN J. MCNEIL, III,)	8:05CV389
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
UNITED STATES, et al.,)	
)	
Defendants.)	

Duncan McNeill has filed an “Amended Notice of Appeal.” (Filing 31.) Mr. McNeil submitted that document in response to the adverse judgment of the Court of Appeals. (Filing 29.) That judgment (1) denied McNeil permission to proceed on appeal without payment of fees; (2) denied his appeal of my adverse decision dismissing his case with prejudice; and (3) remanded this matter to me for collection of the appellate filing fee.

In short, the “Amended Notice of Appeal” is a nullity. It is also burdensome to the Clerk’s office. Furthermore, it is confusing to my staff.

The Court of Appeals has made a decision and that decision is final. Only the Court of Appeals or the Supreme Court can change that decision. More to the point, this court has made no decision from which McNeil may now appeal. Still further, this is the second “Amended Notice of Appeal” that McNeil has filed. (Filing 22.) In this regard, I have previously found that this case is frivolous. (Filing 10.) It is clear that McNeil will continue his abusive litigation tactics unless I do something. Therefore,

IT IS ORDERED that the “Amended Notice of Appeal” (filing 31) is denied. The Clerk of the Court is also instructed to: (a) do nothing further with filing 31; and (b) refuse to file, and instead destroy, any other documents submitted by Mr. McNeil in this case which are similar in form or content to the “Amended Notice of Appeal.”

March 31, 2006.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge